

**LODI CITY COUNCIL
SPECIAL CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
TUESDAY, JANUARY 13, 2004**

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of January 13, 2004, was called to order by Mayor Hansen at 5:35 p.m.

Present: Council Members – Beckman, Hitchcock, Howard, Land, and Mayor Hansen

Absent: Council Members – None

Also Present: City Manager Flynn, City Attorney Hays, and City Clerk Blackston

DISCUSSION

Following discussion, Council concurred to consider this matter prior to the Adjourned Special Meeting topic of public employee performance evaluation/discipline/dismissal/release of City Attorney and Envision Law Group, which was scheduled for the same date and time.

PUBLIC COMMENTS:

- Tim Howard advocated for an atmosphere of constructive and meaningful communication for all the City's government officials. He recommended that Council expedite scheduling the team-building sessions to be facilitated by Pastor Dale Edwards, to allow Members an opportunity to discover commonalities and come to an agreement on principles and practices. He believed that harmonious relations between government officials could best be achieved by friendly conferences where intelligence and arbitration takes the place of the sometimes irrational and cruel methods of the past. Cooperation is a practical necessity in carrying out the specialized and complicated political processes of modern society. Failure of Council to effectively communicate hangs a melancholy gloom over the entire City. Distress over current difficulties in the City may cause some to lose their power of reasoning, patience, ability to control emotion, and possibly to begin blaming others for the present situation. Responsibility to serve the public includes extending encouragement, cooperation, discernment, integrity, and kindness toward one another. Adjustments made by political force, with one side or the other temporarily more powerful, cannot endure. The public always suffers through settlements dictated by the stronger interest, without guiding principles and reasonable timetables to which all can agree. Lodi needs one solid stance in its position as a City and its commitment to citizens. He requested that Council think clearly and respect one another so that each Member is able to openly participate in a leadership decision tonight for the betterment of the municipal government and citizens of today and tomorrow. He urged Council to try to communicate and work together before taking any significant actions.

B. CLOSED SESSION

At 5:48 p.m., Mayor Hansen adjourned the Special City Council meeting to a Closed Session to discuss the following matter:

B-1 Actual Litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

The Closed Session adjourned at 10:54 p.m.

C. RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

NOTE: Action is also related to January 13, 2004, Adjourned Special City Council meeting agenda item.

At 10:55 p.m., Mayor Hansen reconvened the Special City Council meeting and disclosed the following action:

In regard to Item B1, on a motion of 32 (NOES: Howard, Land) Council terminated, effective immediately, the contracts between 1) the City of Lodi and Randall A. Hays (City Attorney) and 2) the City of Lodi and Envision Law Group (Resolution No. 2004-13); and will request a continuance before Judge Damrell in United States District Court on January 14, 2004, for the purpose of evaluating the stipulation that the court suggested on January 12, 2004.

Council Member Howard noted that the litigation matter had been heard by various Councils and its Members for many years. Over the last several months there has been an interest to change the strategy, which culminated today with considerable discussion, thought, and different opinions on how to handle the challenges. She felt that Council's decision was not one that best reflected the various thoughts, guidance, and input that were expressed today and over the last several months. She expressed concern that the outcome may result in short-term satisfaction for some and long-term heartache for the City of Lodi.

D. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

E. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 10:57 p.m.

ATTEST:

Susan J. Blackston
City Clerk